REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following remarks is respectfully requested.

Claims 1-22 are active in this application, Claims 1, 6 and 19 having been amended and new Claims 21 and 22 added by way of the present amendment.

In the outstanding Office Action Claims 6 and 19 were objected to as including informalities requiring correction; Claims 1-3, 6-11, 13-17 and 19 were rejected under 35 USC §102(b) as being anticipated by Mochizuki et al (5,990,507, hereinafter "Mochizuki"); Claims 1-3, 7, 9-12 and 15-18 were rejected under 35 USC §102(b) as being anticipated by Bailey (6,249,014); and Claims 4 and 5 were rejected under 35 USC §103(a) as being unpatentable over either of Mochizuki et al and Bailey.

First, it is noted that the present amendment adopts the Examiner's suggestions to cure the informalities noted in Claims 6 and 19. Accordingly, it is believed that the grounds for objection have been overcome.

In light of the several grounds for rejection, Claims 1 and 19 have been amended o accentuate the three-dimensional structure of the ferroelectric capacitor. To that end, amended Claim 1 further defines the ferroelectric capacitor as follows:

> the ferroelectric capacitor comprising a first portion which is formed at a bottom of the first recessed portion and is extended horizontal to the semiconductor substrate, and a second portion which is formed on a side wall of the first recessed portion and is extended vertical to the semiconductor substrate.

Similar changes have been made to Claim 19 with respect to the first and second ferroelectric capacitors therein Support for the changes to Claims 1 and 19 is provided in Figures 1 and 23 and the related discussion in the specification. No new matter has been added.

In contrast to the claimed device which includes a three-dimensional ferroelectric capacitor, Mochizuki and Bailey disclose a device having a two-dimensional capacitor.

Thus, the capacitors disclosed in Mochizuki and Bailey do not have the "second portion" recited in Claim 1, which is extended vertical to the semiconductor substrate. Therefore, Claim 1 it is respectfully submitted that amended Claims 1 and 19 are clearly different and patentably distinguishing over Mochizuki and Bailey. Accordingly, it is respectfully submitted that the grounds for rejection based on these references have been overcome and withdrawal thereof is respectfully requested.

Turning now to Claims 21 and 22, these claims recite contacts formed above the ferroelectric capacitor and connected with top electrodes and bottom electrodes. The contacts are at the same level, and they can be advantageously formed at the same time.

On the other hand, FIG. 21 of Mochizuki does not show contacts which are connected with bottom electrodes of the capacitor. In addition, contacts connected with bottom electrodes and top electrodes are not at the same level. Likewise, Bailey shows in FIG. 10B that contacts connected with top electrodes and bottom electrodes are not at the same level.

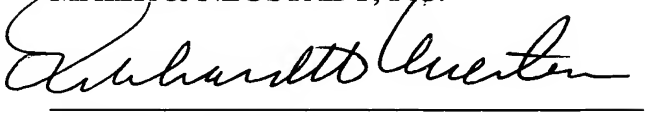
Kanaya (Jpn. Pat. Appln. KOKAI Publication No. 2001-267520) describes that bottom electrodes are in direct contact with diffusion layer 15B, and does not disclose contacts connected with bottom electrodes of the capacitor. Thus, contacts connected with bottom electrodes and top electrodes are not at the same level. Accordingly, it is respectfully submitted that the rejection of Claims 22-23 is further traversed and withdrawal thereof is respectfully requested.

Consequently, in view of the present amendment and in light of the above comments, the amended claims are believed to be patentably distinguishing over the cited art and in

condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\EHK\AMEND-RESPONSES\0039\24S\243649US-AM1.DOC